

DOCKET NO: FST-FA-04-4002519-S : SUPERIOR COURT  
SARA LITTLEFIELD BURNS : J.D. OF FAIRFIELD  
VS. : AT STAMFORD  
JACK LITTLEFIELD : May 21, 2013

PLAINTIFF'S MOTION TO REMOVE GUARDIAN AT LITEM

Plaintiff would respectfully request the removal of Attorney Kirk Bennett, who has failed to maintain proper communications with the Plaintiff and/or the minor child, resulting in great distress for the minor child in his stewardship not to mention has completely violated the Plaintiff's legal parental rights by maintaining unilateral communications with Defendant and his live-in girlfriend at the expense of the child's own legal custodial mother.

- 1) Attorney Kirk Bennett was appointed through the Plaintiff's own June 31, 2010 stipulation after Defendant's admission to Norwalk Hospital for alcohol detox and two (2x) 30-day alcohol rehab treatments at New York's Hazelton due to severe stage-4 alcoholism. His role was to monitor the Defendant's alcohol rehab process and 6-months of court-ordered random tests to augment the Hazelton's set testing dates, as the treatment center was an out-patient vs. the doctor ordered in-patient treatment center.
- 2) The June 21, 2010 stipulation states both parties would share the cost of attorney Bennett's \$400 per hour attorney fees, great hardship for Ms. Littlefield to incur at the time as a commission-only, single parent and realtor in 2010 real estate market during Mr. Littlefield's treatment. Since 2010, Mr. Littlefield has remained unemployed for three (3) years with a stated income of \$4,000 annually.
- 3) **Plaintiff never signed any retainer agreement with Kirk Bennett, however Defendant did sign a copy of retainer agreement.**

- 4) Attorney Bennett filed motion for attorney fees in June 2011. Ms. Littlefield's attorney Richard Castiglioni completed billing agreement, signed by attorney Bennett June 13, 2011. The agreement states Ms. Littlefield agreed to pay \$2,902,50 in full; understanding no further retainer will be required and not additional work by attorney Bennett contemplated. Ms. Littlefield is only responsible if ordered by court, as her real estate business is under great financial strain. Mr. Littlefield has had a reduction for child support modification in court. His most recent financial affidavit states Mr. Littlefield's annual income of \$4,000. Neither parent can afford these legal counsel fees. Ms. Littlefield's counsel continued to tell her it was not applicable to submit the billing agreement to court – even though Kirk Bennett submitted continual motions for fee collection – and charged her his travel time and attorney time to collect payment.
- 5) Ms. Littlefield finally submitted the billing agreement (pro se) in September 2013 to contest further work and fees by him. She ordered payment – however when asked if he could also get his travel time and court time to collect, she said he would have to file another motion for that decision.
- 6) Attorney Bennett only contacted Dr. Bruce Shapiro, therapist at time of Mr. Littlefield's admission and therapist for Ms. Littlefield during their 2005 divorce. Earlier bills never outlined the time spent on any activities only stating his call with Dr. Shapiro as "lengthy." Dr. Shapiro notes cover the detail of the call and the length as 10 minutes.
- 7) Attorney Bennett mentioned at the time that he wanted to cut costs of contact anyone else as he understood the severity of the addiction.
- 8) Yet, attorney Kirk Bennett then testifies to the insignificance of the "positive" test during Mr. Littlefield's random test period and that he could drive again and needed no further testing. He even "blames" the Plaintiff for not bringing to positive test to his attention at the time to go to court to instill further testing at that time.

- 9) In fact, when Plaintiff does request another 6 months of testing, attorney Bennett tells the court the Plaintiff was “fixated” on Defendant’s alcoholism despite the fact that she never had any contact or communication beyond initial introductory meeting (INSERT DATE) with him and this was now 6 months later. His testimony was to directly influence the Judge against Plaintiff or minor child’s safety interest – his own notes include extensive doodles during hearing other than his take on the Plaintiff testimony.
- 10) Both parties have incurred extensive hardship due to Kirk Bennett’s lack of availability or interest in outlining a schedule during the 6 months of testing, when the Defendant’s girlfriend of 10 months (also an alcoholic) was designated as Defendant’s driver, causing great distress to minor child and Plaintiff.
- 11) Attorney Castiglioni, Plaintiff’s attorney, requested a 2010 holiday schedule for Kirk Bennett two weeks prior to the Christmas and New Year’s Holiday. Kirk failed to meet or deliver a visitation plan during this tumultuous time. He then meets with Defendant and his girlfriend to outline their holiday schedule, failing to even email to Plaintiff, as attorney Bennett had blocked the Plaintiff’s emails to him.
- 12) In fact, on Wednesday, December 22, 2010, Plaintiff believed Defendant has been drinking (via AA sources) and was speaking to her attorney prior to Wednesday night pick-up. Attorney Castiglioni advised to have Jack come to the door to pick-up. He refused sending his girlfriends’ kids. Castiglioni suggested to go to the car and when Ms. Littlefield did, shouting ensued and Mr. Littlefield and girlfriend drove off. Ten minutes later, two police were at the door and 8 year old Jack Henry was questioned by the police. Only to discover that Mr. Littlefield and girlfriend met with attorney Bennett to set holiday schedule, without any feedback from child’s mother.

- 13) Billed regarding a therapist visit he attended with Mr. Littlefield. Drove to his office to ask the nature of this visit and whether minor child in attendance. Attorney Bennett commented: "None of my business, you will just pay my bill."
- 14) Did not respond to an email in September 2012 that Mr. Littlefield had moved residences without notice to custodial parent, telling the minor child: "Don't tell your mother, I (dad) will tell her soon." Ms. Littlefield only found out about her son's whereabouts when with his dad through friend.
- 15) Christian Bailey's birthday party occurring over both parents visitation time. Father told son he was going, then sent email claiming "the original invite was sent prior to his receipt a week prior to event. Kirk's emails were returned and no phone calls for over a week from attorney Bennett – certainly after anything could be done about the event.
- 16) JH met with attorney Bennett on May 8, 2012 about playing Spring 2012 baseball. Attorney Bennett did not return any of JH calls from evening May 8, 2012 until the end of the season. JH missed all games except last one, when attorney Bennett made call.
- 17) Mr. Littlefield, despite three plus years of unemployment continues to subpoena Ms. Littlefield to eliminate his responsibility for child support – with a claimed \$4,000 annual income. This is after Ms. Littlefield had to defend her visitation rights for over 2 years with increased attorney fees in excess of her annual income. Mr. Littlefield has entered a annual rental for \$7,300 per month, car payment of \$1,000 a month and excessive spending. Ms. Littlefield had to defend her monthly child support payments of \$1,500 per month. THE COST: 3 YEARS OF CHILD SUPPORT PAYMENTS SPENT.
- 18) During the time Ms. Littlefield had to defend her child support payments, she subpoena's Kirk Bennett's file discovering a slew of allegations made by girlfriend (a serial lawsuit person who makes her living in this fashion) including

child abuse, etc. Kirk Bennett never discussed any of these with Ms. Littlefield, the mother.

19) Kirk Bennett recommends a Parenting Scheduler to revise our Parenting Plan (that has worked for over 8 years). This activity took over 2 years (\$25,000 plus to Kirk) and \$6,000 to Lacey Bernier. When Ms. Littlefield discovered Lacey's office was rented space from Kirk Bennett, she asked for another objective scheduler. She was denied and forced to use Bernier. One Ms. Littlefield first appointment with her, Lacey asked if she thought Mr. Littlefield was drinking and would ever get married to the girlfriend. Ms. Littlefield responded, "Don't know and would like to keep directed on schedule." Ms. Littlefield and her attorney completed the entire calendar based on court agreement to submit. Nothing was done by Bennett or Bernier. The subpoena GAL paperwork includes emails from Bernier to attorney Bennett: "Sorry I could not help more." In 2013, Judge Emons orders Bernier and Bennett to work on parenting schedule again (another \$15,000). Ms. Littlefield denied another scheduler.

20) After Kirk Bennett and Lacey show up at court again in 2013 without any progress – and escalating bills – Judge Emons orders Kirk and Lacey back in 2 days with Parenting Schedule. Ms. Littlefield writes the schedule and agreement and meets with them both. Then when called by the court to submit, GAL Kirk Bennett cannot be found because he was outside the courthouse billing \$450 per hour to an unemployed father and self-employed mother.